

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-220168.2 DATE: November 29, 1985  
MATTER OF: Space Dynamics Corporation

## DIGEST:

GAO will not consider protest that agency improperly canceled solicitation, because protester has been suspended from government contracting and is ineligible to receive a government contract and therefore is not an interested party to protest under Bid Protest Regulations.

Space Dynamics Corporation (Space Dynamics) protests the cancellation after bid opening of invitation for bids (IFB) No. N00104-85-B-0674 issued by the United States Navy for air conditioner fan-coil assemblies. Space Dynamics submitted the low bid, but the solicitation was canceled because the first article approval clause required to be included in the solicitation was omitted. Space Dynamics contends that the cancellation was improper because resolicitation would result in an impermissible auction situation.

Subsequent to the filing of the protest, we have been advised that Space Dynamics has been suspended from government contracting and has been placed on the debarred bidders list. A firm that has been suspended is precluded from receiving government contracts. Federal Acquisition Regulation, 48 C.F.R. § 9-405(a) (1984).

Under our Bid Protest Regulations, a party must be "interested" before we will consider its protest. 4 C.F.R. §§ 21.0(a) and 21.1(a) (1985). A party is not interested if it would not be eligible for award should its protest be upheld. Solid Waste Services, Inc., B-218445, B-218445.2, June 20, 1985, 85-1 C.P.D. ¶ 703. Since Space Dynamics is suspended and ineligible for award of this contract even if its protest were sustained, the firm is not an interested party capable of maintaining a protest. See Jonard Industries Corp., B-214013, Feb. 14, 1984, 84-1 C.P.D. ¶ 199.

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The protest is dismissed.

for *Morton W. Schwartz*  
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